

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 79406

Mark J. Filipkowski

811 S. Marlyn Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on August 18, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-5-302 (b); 302 (b)(1); 302 (b)(1)(2), 302 (b)(1)(3), failure to maintain exterior construction)flaking paint, gutter/downspouts, broken windows, roof in disrepair etc. on residential property zoned DR 5.5 known as 811 S. Marlyn Avenue, 21221.

On July 19, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$12,800.00 (twelve thousand eight hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 14, 2010 for cut and remove tall grass and weeds, repair exterior structure, repair metal/wood surfaces, repair trim, paint, repair roof, gutters. This Citation was issued on July 19, 2010.

B. Photographs in the file show a brick single-family house surrounded by overgrown bushes and weeds. Notes in the file state that after Respondent failed to cut and remove tall grass and weeds within a week of the Correction Notice, pursuant to County law a contractor cleared the yard; Respondent has been billed \$233.02 for that expense.

C. Photographs in the file show horizontal rain gutters are broken and detached from the roof, or missing, in at least two places, and roof shingles in those areas are visibly damaged. Photographs show the paint on the window frames and roof soffits is peeling or missing, with bare wood showing. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all "[e]xposed surfaces of metal or wood in good repair, in a structurally sound condition, and protected against decay, rust, peeling, or flaking." BCC Section 35-5-302. The gutters and roof must be repaired, and all exposed wood must be scraped and painted.

D. Photographs in the file show that large windowpanes are missing from two windows, and the window openings are covered with cardboard. The windows must be repaired. BCC Section 35-5-302.

E. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violations are corrected within the time provided below. This property is listed in tax records as being owner-occupied; due to the significant deterioration of the house and the lack of glass in two windows, the Department is also directed to refer this case to the Department of Social Services for investigation in case there is a resident in need of assistance or protective services.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by October 4, 2010.

IT IS FURTHER ORDERED that the Department of Permits & Development Management refer this case to the Baltimore County Department of Social Services for investigation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 20th day of August 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer